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**MEMO ENDORSED**

May 11, 2021

**ALL MAIL AND  
OVERNIGHT  
DELIVERIES SHOULD  
BE ADDRESSED TO  
OUR NEW JERSEY  
OFFICE.**

Hon. Ona T. Wang, United States Magistrate Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

The parties, including Tri-State, are directed to appear for a conference regarding the pending motion for fees and costs on **May 27, 2021 at 3:00 pm in Courtroom 20D, 500 Pearl Street**. The parties shall review and abide by all entry & COVID protocols available on the Court's website. Any written submissions due by **May 20, 2021**. SO ORDERED.



Ona T. Wang May 11, 2021  
U.S.M.J.

Re: **Gym Door Repairs, Inc., et al., v. Total  
Gym Repairs, et al.**  
15-CV-4244 (OTW)  
Our File No.: 4050.001

Your Honor:

My firm represents Tri-State Folding Partitions, Inc., in connection with an action brought by attorney Philip Furgang for fees related to the above matter presently pending before Your Honor. We have been following the fee application process because it is relevant to the claims Mr. Furgang is making in his State Court fee matter.

I have read Mr. Furgang's letter to Your Honor dated May 10, 2021, wherein he states that his hourly rate ranged from \$337.50 to \$360.00. This statement by Mr. Furgang is, at best misleading and, at worst, a misrepresentation.

Mr. Furgang charged double the rates he sets forth in the letter to the Court but claims he divided the time in half between the Qpala/Guardian and Tri-State defendants. There is no calculation from his invoices which results in an hourly rate for Mr. Furgang's work that matches the May 10, 2021 letter he forwarded to the Court. If the Court takes an invoice submitted by Mr. Furgang and divided that month's bill by the total hours charged, the hourly rate would be double that which Mr. Furgang claims in his letter. His +/- \$360.00 hourly rate reflects only half of the rate he charged both of his clients; he billed them each approximately \$700+ an hour supposedly for half of the total hours.<sup>1</sup>

Mr. Furgang has sued our client to recover fees billed arising out of this litigation. Based upon his filings in the matter before Your Honor, it appears that Mr. Furgang billed the Guardian defendant, in excess of \$600,000, received payments in excess of \$200,000, and is now seeking to collect a total of \$600,000 for his representation of the Guardian defendant only. In addition, Mr. Furgang received over \$366,000 in fees from Tri-State directly, and is now suing Tri-State for an additional \$339,168.64, all for the same work at an hourly rate of approximately \$700+. Accordingly, Mr. Furgang has billed approximately \$1.2 million dollars (at double the rates in his letter) for his services in this litigation, split between defendants Guardian and Tri-State Folding Partitions, Inc.

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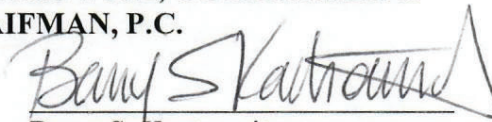
<sup>1</sup> As an example, at Docket 982-8, page 17 of 35, there is a total bill of \$45,299 for 63 billed hours. This averages \$719 per hour.

As an Officer of the Court, I felt it incumbent upon me to point this out given my client's position as a Defendant in a fee collection case brought by Mr. Furgang.

Respectfully submitted,

**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**

By:

A handwritten signature in black ink, appearing to read "Barry S. Kantrowitz", written over a horizontal line.

Barry S. Kantrowitz